

## **ATTACHMENT 2**

### **PREVIOUS DECORATIVE BANNER PROGRAM ORDINANCE 1997**

## ORDINANCE NO. 2533-96

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ESTABLISHING A PILOT PROGRAM FOR DECORATIVE BANNERS ALONG EL CAMINO REAL ON PUBLIC AND PRIVATE PROPERTY (AUTO RETAIL ESTABLISHMENTS)

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE. The purpose of allowing decorative banners for auto retail establishments is to recognize the distinctive requirements of this form of retail, to provide display and advertising opportunities for auto retail and to allow a pilot program which will contribute to a unified image of Sunnyvale. It is expected that decorative banners will strengthen the collective impact of display and advertising for auto retail, in a manner which is attractive, compatible, and safe and enhances the streetscape and the economic well-being of the City.

SECTION 2. DECORATIVE BANNER DEFINED. "Decorative banner" means a non-permanent sign, made of durable fabric, fastened from the top and bottom to a pole or similar structure on private property located within 30 feet of the property line adjacent to a public street.

SECTION 3. DECORATIVE BANNER PROGRAM. All decorative banners must be consistent with an approved decorative banner program. No more than one decorative banner program may be approved at one time.

(a) Program. The director of community development may approve a decorative banner program in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The director of community development may deny an application for a decorative banner program if the public interest will not be served.

(1) Location. The entire decorative banner shall be located on private property, out of vision triangles of motorists and shall not extend into or be allowed to move into the public right-of-way.

(2) Quantity. Each property participating in a decorative banner program may display a maximum of one banner for every 30 feet of street frontage.

(3) Size. Each decorative banner shall be a minimum of 8 square feet and a maximum of 16 square feet. All decorative banners in a decorative banner program shall be the same size.

(4) Distance between decorative banners. No decorative banner shall be located closer than 10 feet to another banner.

(5) Height. The bottom of each banner shall be at least 9 feet and not more than 12 feet high measured from the top of the nearest curb. All decorative banners located on a property shall be the same height.

(6) Materials. Decorative banners shall be of durable fabric intended for outdoor use such as altrafab, pyratone, sunbrella or similar quality fabric. Non-fade inks shall be used on the decorative banners.

(7) Hardware. Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.

(8) Maintenance. Regardless of the time frame permitted for decorative banners through a decorative banner program, decorative banners shall be promptly replaced when ink fades or fabric tears, frays or fades. Hardware shall be replaced or repaired when damaged or twisted. All decorative banners shall be fastened to keep taut and shall not be loose or floppy.

(9) Duration. A decorative banner program may be approved for a total of 12 months with a maximum of four sets of decorative banners. A set of decorative banners may be displayed for a maximum of six months, after which the banners shall be removed or replaced by another set of decorative banners which have been pre-approved.

(b) Plan submission. The following information shall be submitted to the director of community development in conjunction with an application for a decorative banner program. Additional information, as determined by the director of community development, may be required.

(1) Application form;

(2) Specification of which auto retail establishments intend to participate in the decorative banner program, provided that at least 51 percent of the auto retail establishments (both new and used retail) along El Camino Real must participate;

(3) Site plans for all participating properties indicating quantity, location and height of decorative banners for each property;

(4) Color drawings showing decorative banner design, including colors, materials, hardware and size;

(5) Explanation of duration of display of each set of banners that are requested as part of the decorative program.

SECTION 4. APPEAL OF DENIAL OF PERMIT. The applicant may appeal the decision of the director of community development to deny a decorative banner program within fifteen days of the decision to the planning commission. The planning commission may approve, approve with conditions or deny the application for decorative banner program. The decision of the planning commission shall be final.

SECTION 5. TIME PERIOD. This pilot program shall commence April 1, 1996, and extend through March 31, 1997.

SECTION 6. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Santa Clara County Clerk in accordance with Section 14 of the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 193-86.

SECTION 8. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on February 27, 1996, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on March 5, 1996, by the following vote:

AYES: VALERIO, ROBERTS, KAWCZYNSKI, NOLL, VORREITER, WALKER, PARKER  
NOES: NONE  
ABSENT: NONE

ATTEST:  
City Clerk

By

Ann M. Butler  
Deputy City Clerk

Date: 3/07/96  
(SEAL)

APPROVED:

Robert D. Parker  
Mayor

Date: 3/7/96

# **ATTACHMENT 3**

## **EXAMPLES OF OTHER COMMUNITIES' BANNERS**